

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

CARRIE SHU-CHUEN KONG,

Debtor.

CHAPTER 7

Case No. 23-35211 (CGM)

-----X
DOUBLE GREEN PRODUCE, INC.,

Plaintiff,

Adversary Proceeding

No. 23-09009 (CGM)

-against

CARRIE SHU-CHUEN KONG,

Defendant.

-----X

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): DOUBLE GREEN PRODUCE, INC.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an

☒ Plaintiff adversary proceeding.

☐ Defendant ☐ Debtor

☐ Other (describe) _____ ☐ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Order for Entry of Summary Judgment in favor of Defendant
2. State the date on which the judgment—or the appealable order or decree—was entered:
June 4, 2024

Part 3: Identify the other parties to the appeal

CARRIE SHU-CHUEN KONG

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):


1. Party: Double Green Produce, Inc. Attorney:
Victor Tsai, Esq.
3720 Prince Street, 3F, Flushing NY 11354
(212) 625-9028
2. Party: Carrie Shu-Chuen Kong Attorney:
Genova, Malin & Trier, LLP
1136 Route 9, Wappingers Falls, NY 12590
(845) 298-1600

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 6-14-2024

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Victor Tsai, Esq. 3720 Prince Street, 3F, Flushing NY 11354
Tel: (212) 625-9028

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

-----X

In re:

CARRIE SHU-CHUEN KONG,

Debtor.

-----X

DOUBLE GREEN PRODUCE, INC.,

Plaintiff,

-against-

CARRIE SHU-CHUEN KONG,

Defendant.

-----X

CHAPTER 7

CASE NO. 23-35211 (CGM)

ADVERSARY PROCEEDING

CASE NO. 23-09009 (CGM)

ORDER FOR ENTRY OF SUMMARY JUDGMENT

The Defendant, CARRIE SHU-CHUEN KONG, by her attorneys, GENOVA, MALIN & TRIER, LLP, having moved this Court for an Order pursuant to Bankruptcy Rule 7056 and Federal Rule of Civil Procedure 56 granting summary judgment in favor of the Defendant, as set forth in the Motion of CARRIE SHU-CHUEN KONG, dated May 7, 2024, and said motion having regularly come on to be heard on the 3rd day of June, 2024, and upon reading and filing of the Notice of said Motion, dated May 7, 2024, the Statement of Undisputed Facts, dated May 7, 2024, Defendant's Affidavit, dated May 6, 2024, and the Memorandum of Law in support of said Motion dated May 7, 2024, and the Plaintiff's Counterstatement of Undisputed Material Facts, dated May 28, 2024, and upon the record made at said hearing, and due deliberation having been had thereon,

NOW, on motion of GENOVA, MALIN & TRIER, LLP, attorneys for the Defendant, it is, pursuant to 11 U.S.C. §§523(a)(2), 523(a)(4), 523(a)(6), 727(a) and Federal

Rule of Bankruptcy Procedure 7056,

ORDERED, that the Defendant's Motion for Summary Judgment be granted with respect to the cause of action set forth in the Plaintiff's complaint pursuant to 11 U.S.C. §523(a)(2)(A) and the debt owed to DOUBLE GREEN PRODUCE, INC. is dischargeable pursuant to 11 U.S.C. §523(a)(2)(A); and it is further

ORDERED, that the Defendant's Motion for Summary Judgment be granted with respect to the cause of action set forth in the Plaintiff's complaint pursuant to 11 U.S.C. §523(a)(2)(B) and the debt owed to DOUBLE GREEN PRODUCE, INC. is dischargeable pursuant to 11 U.S.C. §523(a)(2)(B); and it is further

ORDERED, that the Defendant's Motion for Summary Judgment be granted with respect to the cause of action set forth in the Plaintiff's complaint pursuant to 11 U.S.C. §523(a)(4) and the debt owed to DOUBLE GREEN PRODUCE, INC. is dischargeable pursuant to 11 U.S.C. §523(a)(4); and it is further

ORDERED, that the Defendant's Motion for Summary Judgment be granted with respect to the cause of action set forth in the Plaintiff's complaint pursuant to 11 U.S.C. §523(a)(6) and the debt owed to DOUBLE GREEN PRODUCE, INC. is dischargeable pursuant to 11 U.S.C. §523(a)(6); and it is further

ORDERED, that the Defendant's Motion for Summary Judgment be granted with respect to the cause of action set forth in the Plaintiff's complaint pursuant to 11 U.S.C.

§§727(a)(2)(A), 727(a)(3) and 727(a)(4) and the debtor's discharge be entered pursuant to 11 U.S.C. §727(a); and it is further

ORDERED, that the above-captioned Adversary Proceeding be closed forthwith.

Dated: June 4, 2024
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)

GBZ NORTHERN REALTY LLC,)
Debtor.)

Chapter 7
Case No. 23-35211 (CGM)

DOUBLE GREEN PRODUCE, INC.,)
Plaintiff)

- against -)

Adversary Proceeding
Case No. 23-09009 (CGM)

CARRIE SHU-CHUEN KONG,)
Defendant)

AFFIRMATION OF SERVICE

STATE OF NEW YORK)
COUNTY OF QUEENS) ss.:

I, VICTOR TSAI, affirms the truth of the following under the penalties of perjury:

I am an attorney authorized to practice law in the State of New York and
that on June 14, 2024, I served a true copy of the annexed

**NOTICE OF APPEAL AND STATEMENT OF ELECTION and
ORDER FOR ENTRY OF SUMMARY JUDGMENT**

by mailing the same, First Class in a sealed envelope, with postage prepaid thereon, in a
post-office or official depository of the U.S. Postal Service within the State of New York,
addressed to the last known address of the addressees as indicated below:

Genova Malin & Trier, LLP
1136 Route 9
Wappingers Falls, NY 12590


VICTOR TSAI